

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

SUBCOMMITTEE ON ZONING AND FRANCHISES

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May 24, 2011  
Start: 9:30 am  
Recess: N/A

HELD AT: Committee Room  
250 Broadway -14<sup>th</sup> Fl.

B E F O R E:  
MARK S. WEPRIN  
Chairperson

COUNCIL MEMBERS:  
Leroy G. Comrie, Jr.  
Daniel R. Garodnick  
Diana Reyna  
Joel Rivera  
Larry B. Seabrook  
James Vacca  
Albert Vann  
Vincent M. Ignizio

## A P P E A R A N C E S (CONTINUED)

Biagio Fortunato

Owner

Fortunato Brothers Café and Bakery

Francois Latapie

Owner

Lyon Bistro

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2 CHAIRPERSON WEPRIN: Good morning,  
3 everyone. Thank you. Okay, if we could limit  
4 conversations, we're going to get started here.  
5 The Bronx delegation is misbehaving. Good  
6 morning. My name is Mark Weprin. I am the chair  
7 of the Subcommittee on Zoning and Franchises. I  
8 want to welcome my fellow members of the  
9 Committee, the chair of the Land Use Committee,  
10 Leroy Comrie, Vincent Ignizio, Jimmy Vacca, Larry  
11 Seabrook and Diana Reyna, sitting here in the  
12 front row. We'll be joined by others, who I know  
13 are roaming around here. We have two cafés today  
14 and we're going to get started right away with  
15 Land Use No. 390, Fortunato Brothers Café and  
16 Bakery and we have here—I think it's Biagio  
17 Fortunato. Would you please come up to the front  
18 table? Fratelli [phonetic] Fortunato and go to  
19 that table right there, sorry, and you'll hit... Mr.  
20 Fortunato, if you could just describe what it is  
21 you're asking for. Someone help him with that mic  
22 because that mic is confusing a little bit. Just  
23 make sure you got it right. Just describe what it  
24 is the café you're describing and then I will ask  
25 Council Member Reyna to make a statement.

1  
2 BIAGIO FORTUNATO: Okay, I have an  
3 enclosed sidewalk café and I just want to renew my  
4 license.

5 CHAIRPERSON WEPRIN: How long have  
6 you had that café?

7 BIAGIO FORTUNATO: It's been open  
8 for about 35 years. I would say the sidewalk café  
9 about 25... something like that.

10 CHAIRPERSON WEPRIN: Thank you.

11 BIAGIO FORTUNATO: Maybe 30. I'm  
12 not sure.

13 CHAIRPERSON WEPRIN: We've been  
14 joined by Council Member Joel Rivera and Council  
15 Member Dan Garodnick and Council Member Al Vann.  
16 Council Member Reyna, would you like to make a  
17 statement about this?

18 COUNCIL MEMBER REYNA: Thank you,  
19 Mr. Chair. We have reached out to the Fortunato  
20 Café to be able to—they're making a copy of the  
21 letter right now—the commitment of Fortunato  
22 Brothers Café and Bakery to operate a sidewalk  
23 café understanding that they have been notified of  
24 an ATM outside of the café that should be brought  
25 back into their property line to avoid any

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2 particular citations. There is an agreement for  
3 14 tables and 46 chairs that were approved on the  
4 official plan, which should leave three feet away  
5 from the wall, leaving walking room for servers  
6 and planters have been agreed to be removed since  
7 they are not part of the plan. Other matters have  
8 been addressed with DCA as far as long-term  
9 discussions with DCA and their cumbersome process  
10 of which issues of oversight have been raised with  
11 them, and I will continue to raise them because  
12 they're leaving businesses vulnerable to open  
13 citations and the vulnerability of ticking when  
14 unnecessary if they're doing their job in  
15 enforcement. Thank you very much. And I  
16 congratulate Fortunato Brothers, who have served  
17 our community for 35... almost 40 years—a café near  
18 and dear to all of us in Williamsburg.

19 CHAIRPERSON WEPRIN: Thank you very  
20 much, Council Member Reyna. Does anyone else want  
21 to comment on this café application? No, thank you  
22 very much, Mr. Fortunato. Sorry to bring you down  
23 here and take you away from business, but we  
24 appreciate you coming down.

25 BIAGIO FORTUNATO: Alright.

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Thanks.

CHAIRPERSON WEPRIN: Thank you.

Our second and last café is Land Use No. 391, Lyon  
Bistro, I think it is, in Manhattan Community  
Board 2. We have Latapie Francois here. Mr.  
Francois, please have a seat at the same  
microphone. Bonjour, Mr. Francois. How are you?

FRANCOIS LATAPIE: Good, good.

Thank you.

CHAIRPERSON WEPRIN: If you could  
please just describe what your application is and  
what you're asking for and—are you going to read  
into the record this statement? Alright. Thank  
you. Please go ahead.

FRANCOIS LATAPIE: Dear Council,  
this letter serves as an agreement with the Chair,  
Council Member Mark Weprin, and the encompassing  
members of the Subcommittee on Zoning and  
Franchises that we will commit to the following:  
1) we will reduce our tabletop size from 24" x 24"  
to 24" x 20" to satisfy New York City Department  
of Consumer Affairs clearance requirements; 2) we  
will reduce the sidewalk café size from 10 tables  
and 20 chairs to 8 tables and 16 chairs,

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2 specifically, removing both the easternmost and  
3 westernmost tables and chairs; 3) we will remove  
4 the metal grate that was installed by the  
5 applicant on the tree pit by the easternmost side  
6 of the café; 4) we will reinstall the - - blocks  
7 that were removed to accommodate aforementioned  
8 metal grate. These blocks will be made flush with  
9 the sidewalk as per New York City Department of  
10 Consumer Affairs regulations; 5) we will not have  
11 railings or planters in the permitted sidewalk  
12 café area. That's all.

13 CHAIRPERSON WEPRIN: That's it.

14 Are there any questions? Thank you, it says on the  
15 bottom. We're good, right? Okay, I've been  
16 advised by Speaker Quinn's staff that this letter  
17 which was addressed to them, they've received and  
18 they are in agreement with. That is good news.  
19 Anybody on the panel have any questions they want  
20 to ask Francois? None? Mr. Vann, Yes?

21 COUNCIL MEMBER VANN: I'm wondering  
22 if he could translate that into French for me  
23 please. Can he translate that into French for me?

24 [background conversation]

25 CHAIRPERSON WEPRIN: Merci,

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2 Francois. Au revoir. That's about all I got.  
3 I'm really running low now. Anyway, that is it.  
4 Any other members have any comments or questions  
5 about any of the items that are on the agenda or  
6 going to be on the agenda? No? Seeing none, that  
7 is it for this meeting today. We're going to move  
8 to close those hearings and couple the two items.  
9 That's Land Use No. 390, Fortunato Brothers Café  
10 and Bakery and Land Use No. 391, Lyon Bistro.  
11 Those two items will be coupled. The Chair will  
12 recommend an aye vote and ask the Counsel,  
13 Christian Hilton, to please call the roll.

14 COUNSEL: Chair Weprin?

15 CHAIRPERSON WEPRIN: Aye.

16 COUNSEL: Council Member Rivera?

17 COUNCIL MEMBER RIVERA: I vote aye.

18 COUNSEL: Council Member Reyna?

19 COUNCIL MEMBER REYNA: [no

20 response]

21 COUNSEL: Council Member Comrie?

22 COUNCIL MEMBER COMRIE: I vote aye.

23 COUNSEL: Council Member Seabrook?

24 COUNCIL MEMBER SEABROOK: Aye.

25 COUNSEL: Council Member Vann?



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COUNCIL MEMBER VANN: Oui.

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COUNSEL: Council Member Garodnick?

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COUNCIL MEMBER GARODNICK: Aye.

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COUNSEL: Council Member Vacca?

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COUNCIL MEMBER VACCA: Aye.

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COUNSEL: Council Member Ignizio?

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COUNCIL MEMBER IGNIZIO: Yes.

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COUNSEL: Council Member Reyna?

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COUNCIL MEMBER REYNA: Yes.

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COUNSEL: By a vote of nine in the

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affirmative, none in the negative and no

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abstentions, L.U. 390 and 391 are approved and

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referred to the full Land Use Committee.

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CHAIRPERSON WEPRIN: Tres bien.

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Everybody with that done, we will hold the rolls

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open for approximately ten minutes and I want to

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as a public service announcement remind everyone

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that Land Use will be meeting tomorrow at noon in

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this room on the 14<sup>th</sup> floor. With that in mind, we

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will keep the rolls open for approximately ten

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minutes and I now will adjourn the meeting, so the

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Subcommittee on Zoning and Franchises is now

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adjourned.

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[gavel]

C E R T I F I C A T E

I, Kimberley Uhlig certify that the foregoing transcript is a true and accurate record of the proceedings. I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

Signature

Handwritten signature of Kimberley Uhlig in cursive script.

Date May 31, 2011